

## **REMARKS**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 8, 22-23 and 26 have been amended. Claims 3-4, 6, 10-11, 13, 17-18, 20, 24-25 and 27 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 1-2, 5, 7-9, 12, 14-16, 19, 21-23, 26 and 28 are presented for examination.

### **35 U.S.C. §101 Rejection**

Claims 8-9, 12 and 14 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Paragraph 0020 of the Specification has been amended and claims 8-9, 12 and 14 recite the word “storage”. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 8-9, 12 and 14.

### **35 U.S.C. § 112 Rejection**

Claims 1-2, 5, 7-9, 12, 14-16, 19, 21-23, 26 and 28 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Without any concession regarding the subject matter of the rejection, claims 1, 8 and 22 have been amended. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 8 and 22 and their dependent claims.

### **35 U.S.C. § 103 Rejection**

Claims 1, 2, 5, 8, 9, 12, 15, 16, 21-23 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over either Simpson, U.S. Patent Publication No. 2004/0266399 (“Simpson”) in view of Lin, et al., U.S. Patent No. 7,184,527 (“Lin”).

Claim 1, as amended, recites:

A method for managing a cell phone call, the method comprising:

receiving an incoming call at a cell phone;

sending a notification of the incoming call to a data processing device in accordance with predefined preferences of a user, the data processing device coupled to the cell phone via a connection;

retrieving information associated with the incoming call from the cell phone, wherein retrieving includes obtaining the information from a plurality of sources when the information is not located in the cell phone, wherein the plurality of sources includes a local telephone list, a database stored on the data processing device, and a remote database coupled to the data processing device, the information including a caller identification (ID);

examining one or more of the predefined preferences of the user of the cell phone, a calendar of the user indicating availability of the user, and real-time instructions from the user, wherein examining includes determining whether a configuration is set such that a response is automatically sent to the incoming call; and

managing the incoming call according to the one of the predefined preferences and the real-time instructions, wherein the one of the predefined preferences and the real time instructions includes at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message, and responding to the incoming call with a voicemail message, wherein the responding to the incoming call is adjusted according to one or more of the predefined preferences, the calendar, and the real-time instructions.

(emphasis added)

Simpson discloses a "method for *providing selected status announcements from a wireless telephone user to a caller* comprising receiving an incoming call from a caller. The method further comprises that responsive to a determination that an automatic answering mode applies to the incoming call: receiving a pre-selected announcement action corresponding to the incoming telephone call and performing the pre-selected announcement action. If the pre-selected announcement action includes a hold announcement, then the incoming telephone call is answered by providing the caller with the hold announcement and placing the wireless telephone in mute mode until the user has taken the incoming telephone call. The method further comprises that responsive to a determination that a manual answering mode applies to the incoming call, receiving a user-selected announcement action." (Abstract)

In Simpson, there is no teaching or reasonably suggestion of the limitations of claim 1. For example, as referred to by the Examiner, paragraph 0022 discloses “calling number, or Caller ID, if available, is displayed n the display are of a wireless telephone. The user is alerted to the call by methods known the art including a ring tone, a flashing light and vibration” (paragraph 0022; emphasis added).

In contrast, claim 1, as amended, recites “retrieving information associated with the incoming call from the cell phone, wherein retrieving includes obtaining the information from a plurality of sources when the information is not located in the cell phone, wherein the plurality of sources includes a local telephone list, a database stored on the data processing device, and a remote database coupled to the data processing device” (emphasis added). Simpson does not teach or reasonably suggest retrieving includes obtaining the information from a plurality of sources when the information is not located in the cell phone as recited by claim 1.

Lin discloses an automatic configurable PSTN call-handling (CPC) service being implemented according to the characteristics of the incoming call. (col. 2, lines 55-58; see abstract). Lin relates to *moving the call-handling option from PSTN to a user’s computer*, but Lin, like Simpson, does not teach or reasonably suggest retrieving includes obtaining the information from a plurality of sources when the information is not located in the cell phone as recited by claim 1. Consequently, Lin does not teach or reasonably suggest the plurality of sources includes a local telephone list, a database stored on the data processing device, and a remote database coupled to the data processing device as recited by claim 1. Accordingly, for at least the reasons as set forth above, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 8 and 22 contain limitations similar to those of claim 1. Accordingly, for at least the same reasons as set forth above with reference to claims 8 and 22, Applicants

respectfully request the withdrawal of the rejection of claims 8 and 22 and their dependent claims.

Claims 7, 14, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Simpson, U.S. Patent Publication No. 2004/0266399 (“Simpson”) in view of Lin, et al., U.S. Patent No. 7,184,527 (“Lin”) and further in view of Ihara, et al., U.S. Patent Publication No. 2004/0185915 (“Ihara”).

Claims 7, 14, 21 and 28 depend from one of claims 1, 8 and 22 and thus include all the limitations of the corresponding base claim. Accordingly, for the same reasons as set forth above with respect to claim 1, Applicants respectfully request the withdrawal of the rejection of claims 7, 14, 21 and 28.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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